

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Nashbert Antonio Smith

Docket No. 5:18-CR-247-1D

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nashbert Antonio Smith, who, upon an earlier plea of guilty to Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250, was sentenced by the Honorable William L. Osteen, Jr., United States District Judge, on February 22, 2018, to a term of 5 years probation.

This term of probation began on February 22, 2018, and Nashbert Antonio Smith began supervision in the Eastern District of North Carolina. On June 27, 2018, jurisdiction was transferred from the Middle District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Based upon the nature of his conviction, Smith completed a sex offender specific evaluation. The treatment provider concluded that the defendant does not suffer from a paraphilia, nor were any sex offender specific risk factors identified. As a result, no further treatment was recommended. In light of his prior convictions, the treatment provider determined that polygraph testing is appropriate for monitoring purposes. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

The defendant has been monitored electronically since being placed on pretrial supervision on September 29, 2017. As a condition of probation imposed on February 22, 2018, electronic monitoring was imposed for a period not to exceed 180 days. To date, there have been no violations. Based upon his compliance, the probation respectfully recommends that electronic monitoring be terminated.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.
2. Based upon the defendant's compliance with the terms and conditions of the electronic monitoring program, this condition has been satisfied.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Julie Wise Rosa
Julie Wise Rosa
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8675
Executed On: July 17, 2018

ORDER OF THE COURT

Considered and ordered this 20 day of July, 2018, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge